

Wyoming Administrative Rules

Education, Dept. of

General Agency, Board or Commission Rules

Chapter 1: Private School Licensing for Post Secondary Proprietary Schools

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CHAPTER 1
PRIVATE SCHOOL LICENSING
FOR POST SECONDARY PROPRIETARY
SCHOOLS

Section 1. Purpose. The purposes of the rules are:

- (a) to establish a procedure for the licensing of post secondary proprietary schools,
- (b) to establish minimum standards for all post secondary proprietary schools and their agents, and
- (c) to protect persons enrolled in a course of study in post secondary proprietary schools.

Section 2. Authority. These rules are promulgated pursuant to W.S. 21-11-101 and 103 and have been adopted by the State Board as authorized by the Wyoming Administrative Procedures Act (W.S. 16-3-101 through 16-3-115).

Section 3. Applicability. These rules shall govern the operation of post secondary proprietary schools operating within the State of Wyoming and outside of Wyoming whose resident agent is soliciting students. These rules do not apply to any parochial, church, or religious schools as defined by W.S. 21-4-101 (a)(iv), home-based educational programs as defined by W.S. 21-4-101 (a)(v), aircraft flight training schools approved and authorized by the Federal Aviation Agency of the United States of America, or a school teaching techniques of outdoor recreation, leadership, ecology or conservation domiciled in the State of Wyoming.

Section 4. Amendment of Rules. Any amendments to these rules shall become effective upon filing with the Secretary of State.

Section 5. Definitions:

- (a) "Administrator" means an administrative officer in charge of school unit(s) or operations(s).
- (b) "Agent" means any person owning any interest in, employed by, or representing for remuneration or other consideration a private proprietary school located within or without this state who enrolls or who, in places other than the principal school premises, offers or attempts to secure the enrollment of any person within this state for education in a school.
- (c) "Attorney General" means the Attorney General of the State of Wyoming.
- (d) "Commencing Operations" means soliciting or attempting to solicit for student enrollment, which includes an out-of-state resident agent making such solicitations of students for entrance into the out-of-state programs.
- (e) "Course" means a subject or a group of subjects organized for instructional and

administrative purposes, whether conducted in person, by mail, or by any other method.

(f) “Curriculum” means a set of courses offered in logical sequence of such nature and quality to reasonably assure that the students will develop the job skills and knowledge necessary for obtaining employment in the occupational area for which the instruction is offered.

(g) “Full Time Equivalent” (FTE) means that students attending short term academic training, such as real estate schools, income tax preparation schools, etc., may be evaluated in terms of total instructional hours, for bonding purposes. The Department of Education will determine the number of instructional hours equal to one Full Time Equivalent (FTE).

(h) “License” means a non-transferable certificate issued by the State Department to a private school located within this state or located outside the state, but whose agent solicits students from within the state in the name of such school, which permits the school to solicit, offer, and maintain a course(s) of instruction or study in compliance with the provisions of the Act and the rules and regulations of the State Board promulgated pursuant to the Act.

(i) “Post Secondary Proprietary School” means any business enterprise operated either for a profit or for nonprofit which maintains a place of business within this state, and which offers or maintains a course(s) of instructions or study, or at which place of business such course(s) of instruction or study, correspondence, or any combination of these to a person(s) for the purpose of training or preparing such person(s) for a field of endeavor.

Included in the definition is any business enterprise incorporated or unincorporated operating for profit or nonprofit which maintains a place of business outside of this state but whose agent solicits students from within this state or which offers or maintains a course(s) of instruction or study, or at which place of business such course(s) of instruction or study is available through classroom instruction, laboratory study, correspondence or combination of these to persons for the purpose of training or preparing such persons for a field of endeavor.

(i) The definition of “post secondary proprietary school” shall not include the following:

(A) a course(s) of instruction or study sponsored by an employer for training and preparation for his own employees.

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(B) conferences, workshops, institutes or courses of study sponsored either jointly or independently by recognized trade, business, or professional organizations, government agencies or political subdivisions for the benefit of the members of such organizations.

(C) a school which is regulated and licensed pursuant to an act of the Wyoming Legislature governing specific trades or professions.

(D) any school, college, university, or other institution offering any post secondary degree. (Institutions of Higher Learning are addressed in Chapter 30 of the Wyoming Department of Education Rules and Regulations).

(j) “Standards” where not otherwise defined in context means the standard or directives established or used by the State Board to implement and clarify these rules. (k) “State Board” means Wyoming State Board of Education.

(l) “State Department” means Wyoming Department of Education.

(m) “Subject” means units of learning into which a course is divided.

Section 6. Granting, Refusing, or Revoking Licenses. Denial, suspension, or revocation of a license may occur when it is found that a school has failed to comply with Wyoming Private Proprietary School Licensing statutes and the Post Secondary Proprietary School Licensing rules adopted by the State Board. Such action will be governed by the Wyoming Administrative Procedures Act (W.S. 16-3-101 through 16-3-115).

Section 7. Licensing Application Procedure. Application for a license shall be made to the State Department. NOTE: The Wyoming Secretary of State will not issue or renew corporate registration without prior licensure by the State Department. The application shall be accompanied by a certified check or money order made payable to the State Department in the amount of two hundred dollars (\$200.00) for the school license and one hundred dollars (\$100.00) for each agent. In addition to the fee the applicant must submit the following:

(a) A performance bond to be approved by the Attorney General. (This bond must be on a form prescribed by the State Department and shall be in the amount of ten thousand dollars (\$10,000.00) for schools with an annual enrollment of ten (10) students or less, twentyfive thousand (\$25,000.00) for schools with an annual enrollment of eleven (11) to twenty (20) students, and fifty thousand (\$50,000.00) for schools with an annual enrollment in excess of twenty (20) students. Enrollment shall be based on Full Time Equivalents (FTE). Such bond shall be renewed on a yearly basis thereafter as long as the school retains its license to do business in Wyoming. Licenses issued to a post secondary proprietary school or agent shall be valid commencing with July 1 of the year issued and ending June 30 of the following year. The State Department will be custodian of all bonds and may render administrative assistance, but not legal assistance, to all aggrieved persons who may be entitled to relief under the bond.

(b) A copy of each enrollment contract form.

(c) A copy of tuition, fees, and charges.

(d) A copy of the refund schedule.

(e) A copy of a course outline for each course to be conducted.

(f) A copy of a graduation diploma/certificate for each course offered.

(g) A copy of attendance record form.

(h) A copy of all school catalogs, bulletins and other published materials, advertising, and circulars.

(i) A completed personnel data form for each director, supervisor, instructor, teacher, and agent.

Section 8. Renewal of a License. An application for the renewal of a license and/or agents permit shall be submitted by July 1 of each year on forms prescribed by the State Department and accompanied by resubmission of updated versions of all items in 7 above.

Section 9. Minimum Standards. No post secondary proprietary school as defined by W.S. 21-11-101(a), or proprietor thereof, shall solicit students, do business in, or operate in Wyoming without first obtaining a private school license. A license will be granted when it has been determined by the State Department that the Institution is in compliance with the following minimum standards:

(a) Any school licensed by the State Department shall conduct only those courses which are listed on the licensing application documents. Any significant changes in course content must be reported by letter to the State Department within thirty (30) days after such changes have been made.

(b) There is in the school adequate space, equipment, instructional material, and instructional personnel to provide academic instruction commensurate with course offerings.

(c) The education and experience qualifications of administrative and instructional staff are such as will insure that students will receive educational services consistent with the 1-4 stated objectives for which the educational services were offered.

(d) The school has submitted a copy of all course outlines, a schedule of tuition, fees, and other charges, regulations pertaining to absences, a grading system, and rules of operation and conduct furnished each person upon enrollment. Standards of progress for all post secondary proprietary schools licensed by the State Department will define the minimum grades considered satisfactory, conditions for interruption due to unsatisfactory progress, a description of the probationary period if any, and conditions for reentrance for those students dismissed for unsatisfactory progress.

(e) Upon completion of education, the student is awarded a certified diploma/certificate by the school indicating the education was satisfactorily completed.

(f) Adequate records are kept to show attendance, progress or grades, and satisfactory standards relating to attendance, progress and conduct are enforced. The records and accounts of post secondary proprietary schools licensed by the State Department that pertain to student enrollment and progress will be kept in good account and retained as permanent records.

(g) The school complies with all local, city, county, state, and federal regulations pertaining to said school. No post secondary proprietary school should deny enrollment to any prospective student, or make any distinction or classification of students because of race, creed, color, sex, or national origin.

(h) The school does not utilize advertising which tends to mislead students or falsify information regarding job placement or accreditation by the state. If a school wishes to refer to the fact that it is licensed in the "State of Wyoming", it shall refer to that fact only in the following phraseology:

“Licensed by the State of Wyoming as a post secondary proprietary school under W.S. 21-11-101 through 21-11-107.”

(i) The school’s administrators, directors, owners and instructors are persons who have not been convicted of fraud, moral turpitude, or other felonies, nor participated in behavior which lead to revocation of the school’s license in another state or country.

(j) The school has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student fails to enter the course or withdraws or is discontinued there from at any time prior to completion.

Section 10. Refund Policy. All post secondary proprietary schools licensed by the State Department will utilize a refund policy that parallels the refund policy recognized by the United States Department of Education.